

Notice of Allowability

Application No.

10/663,087

Applicant(s)

ZELLNER, SAM

Examiner

Man Phan

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 7/30/2007.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/13/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for allowance

1. This communication is in response to applicant's 07/30/2007 amendment in the application of Zellner for a "Associated systems and methods for providing data services using idle cell resources" filed 09/16/2003. This application is a CIP of 09/922,042 filed 08/03/2001 is now U.S. Patent #7,065,061 which is a continuation of 09/579,000 filed 05/25/2000 is now abandoned which is a continuation of 08/903,534 filed 07/30/1997 is now US Patent# 6,069,882. The amendment and response filed 07/30/2007 has been entered and made of record. Claims 15-17, 19-21, 23-24, 26-30 have been amended, and new claim 31 has been added. Applicant's amendment with a terminal disclaimer to obviate a double patenting rejection of record are persuasive. The terminal disclaimer filed on 07/30/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,050,445 filed 04/28/2000 and issued 05/23/2006; U.S. Patent No. 6,069,882 filed 07/30/1997 and issued 05/30/2000 ; and U.S. Patent No. 7,065,061 filed 08/03/2001 and issued 06/20/2006 has been reviewed and recorded. Applicant is reminded to submit the recording fee as required for the Terminal Disclaimer.

2. Claims 1-31 are allowable as evident by applicant's amendment.

3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose or suggest a method for managing network resources in a communications system having a packet switch and a network access node with a limited number of channels for

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communicating with remote user devices, the method comprising: assigning a priority to a first remote user device; receiving a request for service for the first remote user device; retrieving the priority for the first remote user device; ascertaining if any channel of the network access node for the first remote user device is idle; if a channel is idle, allocating the channel for the first remote user device; and if all channels are busy, placing the request for service for the first remote user device in a queue; ordering the queue based on priorities of the remote user devices in the queue; and when one of the channels becomes idle, allocating the idle channel to the remote user device at the head of the queue; as specifically recited in the claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

10/10/2007


MAN U PHAN
PRIMARY EXAMINER